

IN RE: PETITION FOR ADMIN. VARIANCE  
S/S Cuba Road, 5,808' W of  
the c/l of Shawan Road  
(13910 Cuba Road)  
8th Election District  
3rd Councilmanic District  
  
Patrick C. Walsh, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-241-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 13910 Cuba Road, located in the vicinity of Oregon Ridge in Cockeysville. The Petition was filed by the owners of the property, Patrick C. and Margaret C. Walsh. The Petitioners seek relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a three-car garage in the front yard with a height of 28 feet in lieu of the required rear yard location and maximum 15-foot height. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

It is to be noted that the subject garage is already existing on the property. A review of the case file revealed that the Petitioners obtained a building permit for an attached three-car garage with a loft, in October, 1992. The permit, a copy of which was submitted to the file, indicates that the garage was to be attached to the existing dwelling via a breezeway. However, the site plan submitted depicts a detached garage and no breezeway. In discussing the matter further with Mitch Kellman in the Zoning Administration and Development Management (ZADM) office, this Office was advised that the Petitioners originally intended to construct the garage in accordance with the permit issued. After the garage was

ORDER RECEIVED FOR FILING

Date

By

10/11/95

built, the Petitioners apparently determined that the breezeway would create problems maneuvering the driveway and parking vehicles inside the garage. Furthermore, the Petitioners believe that a breezeway would not be aesthetically pleasing to their property or their neighbors. Since the garage is not attached to the home, the requested variances are necessary to legitimize the height and location of the existing structure. There being no adverse comments from any Baltimore County reviewing agency, nor any opposition from any of the adjoining property owners, or a request for public hearing, a decision shall be rendered based upon the information and documentation contained in the case file.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners, inasmuch as the garage has already been built and would be difficult to relocate on the property.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10<sup>th</sup> day of February, 1995 that the Petition for Administrative Variance from Sections 400.1 and 400.3 of the Baltimore


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Date

By

County Zoning Regulations (B.C.Z.R.) to permit an existing three-car garage in the front yard with a height of 28 feet in lieu of the required rear yard location and maximum 15-foot height, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners are hereby made aware that a 30-day appeal period runs from the date of this Order. In the event an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 2/10/95

By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

February 10, 1995

Mr. & Mrs. Patrick C. Walsh  
13910 Cuba Road  
Cockeysville, Maryland 21030

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
S/S Cuba Road, 5,808' W of the c/l of Shawan Road  
(13910 Cuba Road)  
8th Election District - 3rd Councilmanic District  
Patrick C. Walsh, et ux - Petitioners  
Case No. 95-241-A

Dear Mr. & Mrs. Walsh:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Patrick O'Keefe  
523 Penny Lane, Cockeysville, Md. 21030

People's Counsel

File

MICROFILMED





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at #13910 CUBA ROAD

which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 and 400.3 to permit a garage in the front yard with a 28' height in lieu of the rear yard and 15', respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) OWNERS WILL HAVE DIFFICULTY PARKING AND USING DRIVEWAY IF BREEZEWAY CONNECTS MAIN HOUSE TO GARAGE. ANY BREEZEWAY WOULD NOT BE AESTHETICALLY PLEASING TO THE OWNERS OR THE NEIGHBORHOOD. ADDITIONAL INFORMATION TO BE MADE AVAILABLE ON REQUEST.

95-241-A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

Legal Owner(s).

(Type or Print Name)

Signature

(Type or Print Name)

Signature

#13910 CUBA ROAD 584-2906

Address Phone No

COCKEYSVILLE, MD. 21030

City State Zipcode

Name, Address and phone number of representative to be contacted

PATRICK O'KEEFE

Name

523 PENNY LA., COCKEYSVILLE, MD. 666-5366

Address Phone No

21030

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_, 19\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: MDX DATE: 1/11/95

ESTIMATED POSTING DATE: 1/22/95



Printed with Soybean Ink  
on Recycled Paper

ITEM #: 240

MICROFILMED

ORDER RECEIVED FOR FILING

Date 1/11/95

By [Signature]

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at #13910 CUBA ROAD  
address  
COCKEYSVILLE, MD. 21030  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

SEE REVERSE SIDE

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Margaret C. Walsh  
(signature)  
MARGARET C. WALSH  
(type or print name)



Patrick C. Walsh  
(signature)  
PATRICK C. WALSH  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of JANUARY, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARGARET C. WALSH AND PATRICK C. WALSH

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

JANUARY 9, 1995  
date

Nancy C. Kruse  
NOTARY PUBLIC

My Commission Expires:

My Comm. Expires. March 1, 1998

1/11/95

9.  
ZONING DESCRIPTION FOR  
#13910 CUBA ROAD  
PATRICK WALSH & MARGARET WALSH  
8<sup>th</sup> ELECTION DISTRICT, BALTIMORE  
COUNTY, MARYLAND

BEGINNING AT A POINT ON THE SOUTH SIDE OF  
CUBA ROAD WHICH IS THIRTY FEET WIDE  
AT A DISTANCE OF 5,808 FEET NORTHWEST  
OF THE CENTERLINE OF THE NEAREST IMPROVED  
INTERSECTING STREET - SHAWAN ROAD WHICH  
IS SIXTY FEET WIDE.

THENCE LEAVING CUBA ROAD AT THE BEGINNING  
AND FOLLOWING THESE COURSES AND DISTANCES:

- 1.) SOUTH-59°-29'-30" WEST - 918.58 FEET
- 2.) NORTH-15°-34'-35" WEST - 463.49 FEET
- 3.) NORTH-73°-10'- EAST - 715.66 FEET TO CUBA ROAD
- 4.) SOUTH-43°-12'-EAST - 51.0 FEET ALONG CUBA ROAD
- 5.) SOUTH-49°-59'-EAST- 255.45 FEET TO THE BEGINNING

BEING LOT-1 OF THE "CUBA TRACT" SUBDIVISION  
AS RECORDED IN BALTIMORE COUNTY PLAT BOOK  
#39 FOLIO #76 AND ALSO BEING RECORDED  
AMONG THE DEED RECORDS: S.M. 8394 PAGE 261 ETC.  
AND CONTAINING 7.0263 ACRES OF LAND.  
KNOWN AS #13910 CUBA ROAD AND LOCATED  
IN THE EIGHTH ELECTION DISTRICT, THIRD  
COUNCILMANIC DISTRICT OF BALTIMORE COUNTY

FOR TITLES SEE :

S.M. 8394 PAGE 261-ETC.  
EHK, JR. 5636 PAGE 804-ETC.  
WJR. 4077 PAGE 169 ETC.  
PLAT - EHK, JR. 39 FOLIO 76

95-241-A

Patrick M. O'Keefe

#240

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-741-A

District: 8th Date of Posting: 1/20/95

Posted for: Various

Petitioner: Margaret & Patrick Walsh

Location of property: 13910 Gabe Rd, s/s

Location of Signs: Facing road & way on property being zoned

Remarks: (No Pole used)

Posted by: M. Hester Date of return: 1/25/95

Signature

Number of Signs: 1





Baltimore City  
Zoning Administration &  
Development Management  
711 West Chesapeake Avenue  
Towson, Maryland 21204

# receipt

Account: R-001-6150

Number

Date 1/11/95

Taken In By: MJK  
Item Number: 240

Walsh, Patrick — 13910 Cuba Road

810 — Res Variance — \$ 50.00

080 — 1 sign posting — \$ 35.00

---

Total — \$ 85.00

95-241-A

MICHAEL J. BARRY

JOHN BARRY

\$85.00

BY COPIED FROM 11-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

95-241-A



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Arnold Jablon*

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 240  
Petitioner: MARGARET C. WALSH  
Location: #13910 CUBA ROAD

95-241-A

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MARGARET C. WALSH  
ADDRESS: #13910 CUBA ROAD  
COCKEYSVILLE, MD. 21030  
PHONE NUMBER: 584-2906

AJ:ggs

MICROFILMED

(Revised 04/09/93)



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

FEBRUARY 19, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-241-A (Item 240)  
13910 Cuba Road  
S/S Cuba Road, 5808" NW of c/i Shawan Road  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Margaret C. Walsh and Patrick C. Walsh

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before January 21, 1995. The closing date (February 6, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Handwritten signature of Arnold Jablon in cursive script.  
Arnold Jablon  
Director

cc: Margaret C. Walsh  
Patrick O'Keefe

95-241-A



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 31, 1995

Mr. and Mrs. Patrick Walsh  
13910 Cuba Road  
Cockeysville, Maryland 21030

RE: Item No.: 240  
Case No.: 95-241-A  
Petitioner: Mr. P. Walsh, et ux

Dear Mr. and Mrs. Walsh:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 11, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

1-18-95

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
ATTN: MS. JOYCE WATSON  
Dear Ms. Winiarski:

Re: Baltimore County  
Item No.: \* 240 (MJK)

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: January 30, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for January 30, 1995  
Items 238, 239, 240, 242, and 243

The Developers Engineering Section has reviewed  
the subject zoning item and we have no comments.

RWB:sw

ENCLOSURE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: January 27, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 240, 241, 244, 248, 249, and 251

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Dary Kears*

PK/JL

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 1/25/95

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: 1/23/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

238  
239  
240 ✓  
241

LS:sp

LETTY2/DEPRM/TXTS8P

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/24/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

DISTRIBUTION MEETING OF JAN. 23, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 238, 239, 240, 241, 242  
AND 243.

RECEIVED

JAN 25 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





# BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

*John R. King*  
BUILDINGS ENGINEER

## BUILDING PERMIT

PERMIT #: B145514 CONTROL #: MR DIST: 08 PREC: 02  
DATE ISSUED: 10/20/92 TAX ACCOUNT #: 1700007429 CLASS: 04

PLANS: CONST 2 PLOT 4 R PLAT 0 DATA 0 ELEC YES PLUM NO  
LOCATION: 13910 CUBA RD  
SUBDIVISION: CUBA TRACT

### OWNERS INFORMATION

NAME: WALCH, PATRICK & MARGARET  
ADDR: 13910 CUBA RD COCKEYSVILLE, MD 21030

### TENANT:

CONTR: ~~TIMOTHY SWITT BLDG INC~~ OWNER

ENGR:

SELLR:

WORK: CONSTRUCT ADDITION ON SIDE OF EXISTING SFD. TO  
BE USED AS BREEZEWAY & 3 CAR GARAGE W/LOFT.  
55'X74'X28'=2,498SF

BLDG. CODE: 1 AND 2 FAM. CODE  
RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFD & ADDITION  
15,000.00 EXISTING USE: SFD

TYPE OF IMPRV: ADDITION

USE: GARAGE

FOUNDATION: BLOCK

SEWAGE: PRIV. EXISTS

BASEMENT: NONE

WATER: PRIV. EXISTS

### LOT SIZE AND SETBACKS

SIZE: 5.898AC

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: NC/60

SIDE STR SETB:

REAR SETB: 81

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

#240

W-25,500 W-25,500

R.C. 2

R.C. 2

GENTSVILLE

R.C. 2

NM-20E

TANK  
GAR.  
#13910  
HOUSE  
SITE

E-884,000 E-884,000

N-76,000 N-76,000

W-24,000

SCALE:  
1" = 200'

W-24,000 W-24,000  
N-76,000 N-76,000  
P.O.B.

N-609,000 N-609,000

NM-19E

*Handwritten:* X-112-B

NM-19D

CUBA

89-240-SPHAN

E-885,000

R.C. 2

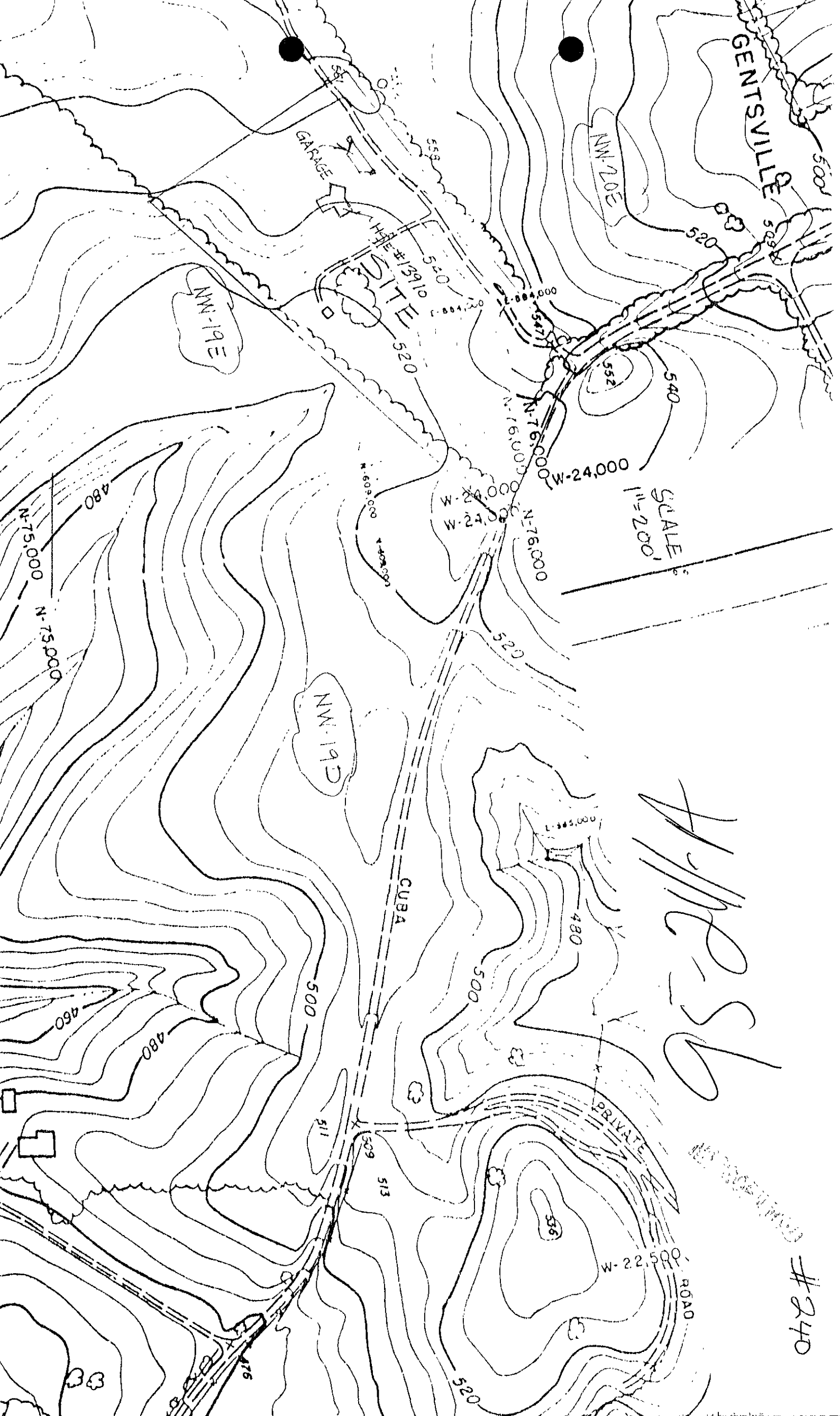
MICROFILMED

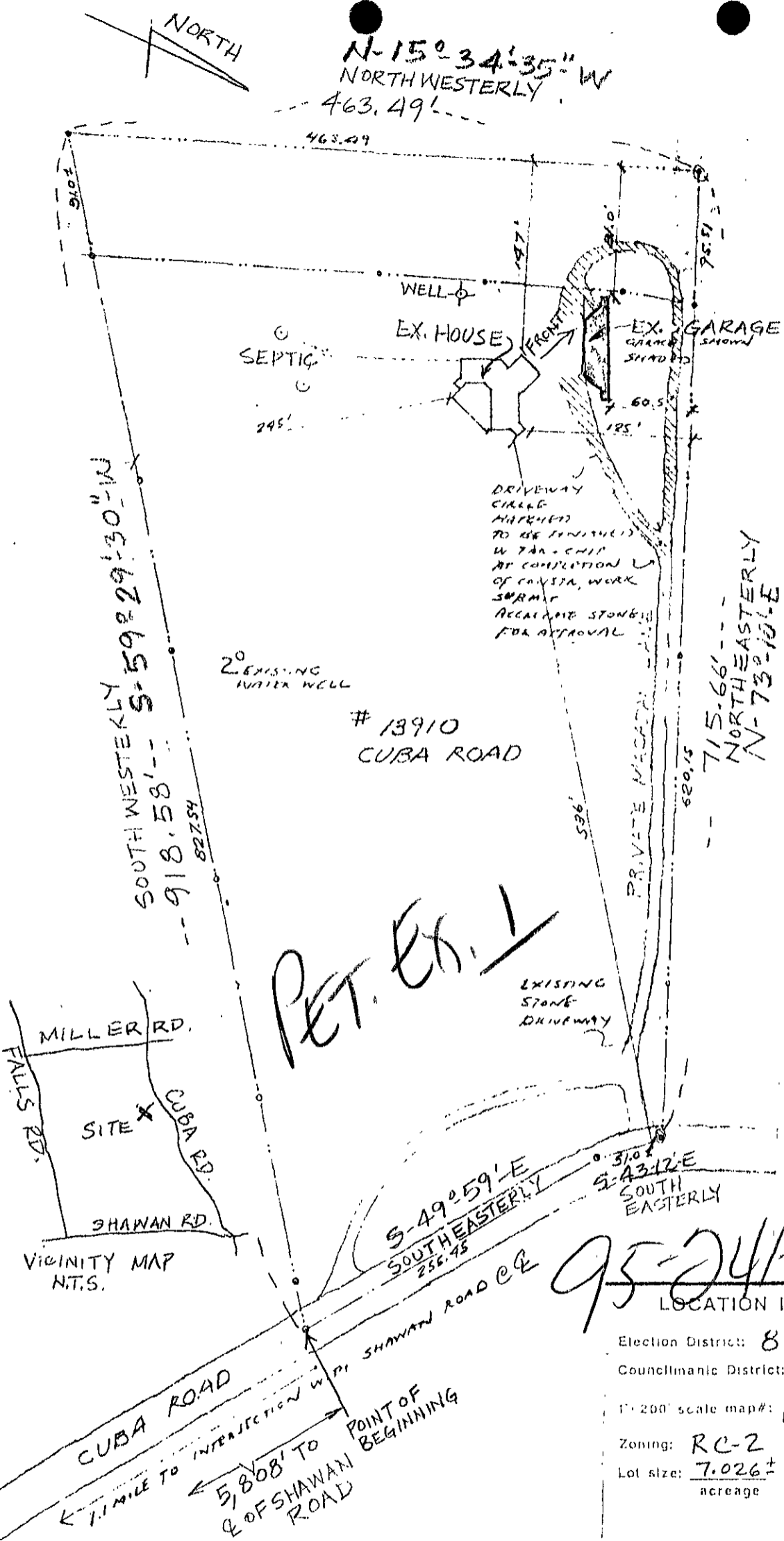
111111

R.C. 2

N-75,000 N-75,000

#240





PET. EX. 1

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: #13910 CUBA ROAD  
 Subdivision name: CUBA TRACT  
 plat book # 39, folio # 76, lot # 1  
 OWNER: PATRICK C. & MARGARET C. WALSH  
 BY: PATRICK O'KEEFE-666-5366

ADMIN. VARIANCE TO ALLOW A GARAGE IN THE FRONT YARD INSTEAD OF THE REAR YARD TO ALLOW A HEIGHT OF 28 FT. INSTEAD OF MAXIMUM OF 15 FT.

LOCATION INFORMATION

Election District: 8TH  
 Councilmanic District: 3RD.  
 1"=200' scale map #: NW-19E  
 Zoning: RC-2  
 Lot size: 7.026± acreage 306,057± square feet

SEWER: ☐ public ☒ private  
 WATER: ☐ public ☒ private

Chesapeake Bay Critical Area: ☐ YES ☒ NO  
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:  
 MJK 240

PLOT & LOCATION PLAN  
 PROPERTY OF PATRICK C. WALSH & WIFE  
 8TH DISTRICT BALTIMORE COUNTY MARYLAND 7.026± ACRES

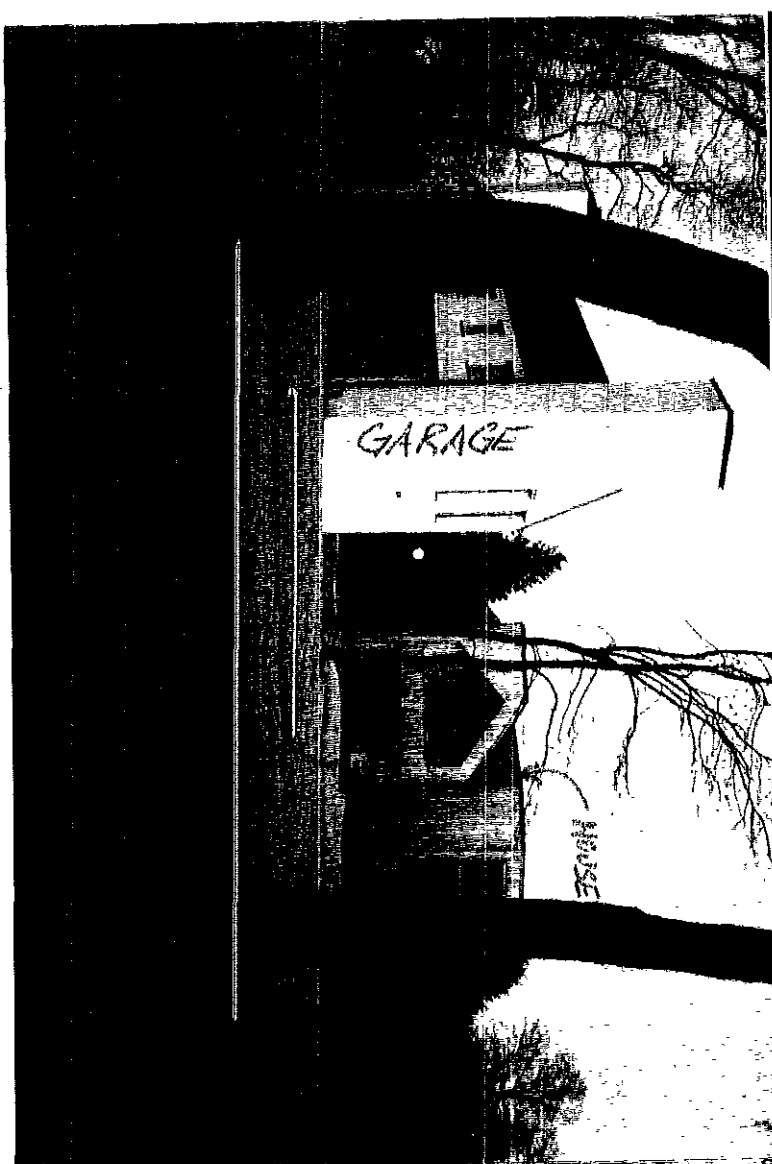
ADMINISTRATIVE VARIANCE  
# 13910 CUBA ROAD  
COCKEYSVILLE, MD. 21030  
8th DISTRICT

#240

MICROFILMED

95-241-A

PREPARED BY  
PATRICK O'KEEFE  
666-5366



GARAGE

HOUSE

IN RE: PETITION FOR ADMIN. VARIANCE  
8/8 Cuba Road, 5,808' W of  
the c/l of Shawan Road  
(13910 Cuba Road)  
8th Election District  
3rd Councilmanic District  
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\* BEFORE THE  
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\* Case No. 95-241-A  
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This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 13910 Cuba Road, located in the vicinity of Oregon Ridge in Cockeysville. The Petition was filed by the owners of the property, Patrick C. and Margaret C. Walsh. The Petitioners seek relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a three-car garage in the front yard with a height of 28 feet in lieu of the required rear yard location and maximum 15-foot height. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

It is to be noted that the subject garage is already existing on the property. A review of the case file revealed that the Petitioners obtained a building permit for an attached three-car garage with a loft, in October, 1992. The permit, a copy of which was submitted to the file, indicates that the garage was to be attached to the existing dwelling via a breezeway. However, the site plan submitted depicts a detached garage and no breezeway. In discussing the matter further with Mitch Kellman in the Zoning Administration and Development Management (ZADM) office, this Office was advised that the Petitioners originally intended to construct the garage in accordance with the permit issued. After the garage was

built, the Petitioners apparently determined that the breezeway would create problems maneuvering the driveway and parking vehicles inside the garage. Furthermore, the Petitioners believe that a breezeway would not be aesthetically pleasing to their property or their neighbors. Since the garage is not attached to the home, the requested variances are necessary to legitimize the height and location of the existing structure. There being no adverse comments from any Baltimore County reviewing agency, nor any opposition from any of the adjoining property owners, or a request for public hearing, a decision shall be rendered based upon the information and documentation contained in the case file.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners, inasmuch as the garage has already been built and would be difficult to relocate on the property.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10<sup>th</sup> day of February, 1995 that the Petition for Administrative Variance from Sections 400.1 and 400.3 of the Baltimore

County Zoning Regulations (B.C.Z.R.) to permit an existing three-car garage in the front yard with a height of 28 feet in lieu of the required rear yard location and maximum 15-foot height, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners are hereby made aware that a 30-day appeal period runs from the date of this Order. In the event an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

February 10, 1995

(410) 887-4386

Mr. & Mrs. Patrick C. Walsh  
13910 Cuba Road  
Cockeysville, Maryland 21030

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
5/8 Cuba Road, 5,808' W of the c/l of Shawan Road  
(13910 Cuba Road)  
8th Election District - 3rd Councilmanic District  
Patrick C. Walsh, et ux - Petitioners  
Case No. 95-241-A

Dear Mr. & Mrs. Walsh:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Patrick O'Keefe  
523 Penny Lane, Cockeysville, Md. 21030

People's Counsel

File

Printed with Soybean Ink  
on Recycled Paper



### Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at #13910 CUBA ROAD which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 and 400.3 to permit a garage in the front yard with a 28' height in lieu of the rear yard and 15', respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) OWNERS WILL HAVE DIFFICULTY PARKING AND USING DRIVEWAY IF BREEZEWAY CONNECTS MAIN HOUSE TO GARAGE. ANY BREEZEWAY WOULD NOT BE AESTHETICALLY PLEASING TO THE OWNERS OR THE NEIGHBORHOOD. ADDITIONAL INFORMATION TO BE MADE AVAILABLE ON REQUEST.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

*Margaret C. Walsh*  
Margaret C. Walsh

*Patrick C. Walsh*  
Patrick C. Walsh

*Paul Walsh*  
Paul Walsh

*Patrick O'Keefe*  
Patrick O'Keefe

#13910 CUBA ROAD 584-2906

COCKEYSVILLE, MD. 21030

523 PENNY LA., COCKEYSVILLE, MD. 444-5366

21030

21030

21030

21030

21030

21030

21030

### Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/they presently reside at #13910 CUBA ROAD

COCKEYSVILLE, MD. 21030

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

SEE REVERSE SIDE

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

*Margaret C. Walsh*  
Margaret C. Walsh

*Patrick C. Walsh*  
Patrick C. Walsh

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9<sup>th</sup> day of January, 1995, before me, a Notary Public of the State of Maryland, to and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the contents and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

*Nancy C. Kruze*  
Nancy C. Kruze

My Commission Expires: My Comm. Exp. March 1, 1998

ZONING DESCRIPTION FOR  
#13910 CUBA ROAD  
PATRICK WALSH & MARGARET WALSH  
8th ELECTION DISTRICT, BALTIMORE  
COUNTY, MARYLAND

BEGINNING AT A POINT ON THE SOUTH SIDE OF CUBA ROAD WHICH IS THIRTY FEET WIDE AT A DISTANCE OF 5,808 FEET NORTHWEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET - SHAWAN ROAD WHICH IS SIXTY FEET WIDE.  
THENCE LEAVING CUBA ROAD AT THE BEGINNING AND FOLLOWING THESE COURSES AND DISTANCES:  
1) SOUTH 59° 29' 30" WEST - 918.55 FEET  
2) NORTH 15° 34' 35" WEST - 463.49 FEET  
3) NORTH 73° 10' EAST - 715.66 FEET TO CUBA ROAD  
4) SOUTH 43° 12' EAST - 51.0 FEET ALONG CUBA ROAD  
5) SOUTH 49° 59' EAST - 253.45 FEET TO THE BEGINNING

BEING LOT 1 OF THE "CUBA TRACT" SUBDIVISION AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #39 FOLIO #76 AND ALSO BEING RECORDED AMONG THE DEED RECORDS: S.M. 8394 PAGE 261 ETC. AND CONTAINING 7.0263 ACRES OF LAND. KNOWN AS #13910 CUBA ROAD AND LOCATED IN THE EIGHTH ELECTION DISTRICT, THIRD COUNCILMANIC DISTRICT OF BALTIMORE COUNTY

FOR TITLES SEE:  
S.M. 8394 PAGE 261-ETC.  
E.H.K., JR. 5636 PAGE 804-ETC.  
W.U.F. 4071 PAGE 169 ETC.  
PLAT - E.H.K., JR. 39 FOLIO 76

*Patrick M. O'Keefe*  
Patrick M. O'Keefe

#240

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 2nd Date of Posting: 1/19/95

Posted for: Variance

Petitioner: Margaret & Patrick Walsh

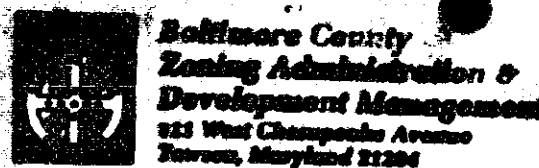
Location of property: 13910 Cuba Rd., #1

Location of Sign: Facing rear yard, on property being zoned

Remarks: (No Photo used)

Posted by: MMK Date of return: 1/25/95

Number of Signs: 1



receipt

Account: B-001-0000

Number:

Taken In By: MMK

Item Number: 240

Date: 1/11/95

Walsh, Patrick - 13910 Cuba Road

010 - Rec Variance - \$ 50.00

010 - 1 sign posting - \$ 35.00

Total - \$ 85.00

95-241-A

95-241-A

03A039020771C4MC

001-057A01-11-95

\$65.00

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-3353  
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES  
Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.  
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.  
PAYMENT WILL BE MADE AS FOLLOWS:  
1) Posting fees will be accessed and paid to this office at the time of filing.  
2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.  
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.  
Arnold Jablon, Director  
For newspaper advertising:  
Item No.: 240  
Petitioner: MARGARET C. WALSH  
Location: \*13910 CUBA ROAD  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: MARGARET C. WALSH  
ADDRESS: \*13910 CUBA ROAD  
COCKEYSVILLE, MD. 21030  
PHONE NUMBER: 584-2406  
AJ:ggg (Revised 04/09/93)

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-3353  
FEBRUARY 19, 1995  
NOTICE OF CASE NUMBER ASSIGNMENT  
Re: CASE NUMBER: 95-241-A (Item 240)  
13910 Cuba Road  
S/S Cuba Road, 5800' SW of c/i Shuman Road  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Margaret C. Walsh and Patrick C. Walsh  
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.  
1) Your property will be posted on or before January 21, 1995. The closing date (February 6, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.  
2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).  
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.  
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.  
Arnold Jablon  
Director  
cc: Margaret C. Walsh  
Patrick O'Keefe

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-3353  
January 31, 1995  
Mr. and Mrs. Patrick Walsh  
13910 Cuba Road  
Cockeysville, Maryland 21030  
RE: Item No.: 240  
Case No.: 95-241-A  
Petitioner: Mr. P. Walsh, et ux  
Dear Mr. and Mrs. Walsh:  
The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 11, 1995.  
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.  
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).  
Sincerely,  
W. Carl Richards, Jr.  
Zoning Supervisor  
WCR/jw  
Attachment(s)

Maryland Department of Transportation  
State Highway Administration  
O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator  
1-18-95  
Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
ATTN: Ms. Joyce Watson  
Dear Ms. Winiarski:  
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.  
Please contact Bob Small at 410-333-1350 if you have any questions.  
Thank you for the opportunity to review this item.  
Very truly yours,  
Bob Small  
for Ronald Burns, Chief  
Engineering Access Permits  
Division  
BS/  
My telephone number is  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: January 30, 1995  
FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section  
RE: Zoning Advisory Committee Meeting  
for January 30, 1995  
Items 238, 239, 240, 242, and 243  
The Developers Engineering Section has reviewed the subject zoning item and we have no comments.  
RWB:aw

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: January 27, 1995  
FROM: Pat Keller, Director  
Office of Planning and Zoning  
SUBJECT: Petitions from Zoning Advisory Committee  
The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 240, 241, 244, 248, 249, and 251  
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.  
Prepared by: Jeffrey W. Long  
Division Chief: Gary Kew  
PK/JL  
ITEM240/PZPHN/TXTSBB

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE  
TO: ZADM  
DATE: 1/29/95  
FROM: DEPRM  
Development Coordination  
SUBJECT: Zoning Advisory Committee  
Agenda: 1/23/95  
The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:  
Item #'s: 238  
239  
240  
241  
LS:sp  
LETTY2/DEPRM/TXTSBB

Baltimore County Government  
Fire Department  
700 East Joppa Road Suite 901  
Towson, MD 21286-9500  
(410) 887-4500  
DATE: 01/24/95  
Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105  
RE: Property Owner: SEE BELOW  
DISTRIBUTION MEETING OF JAN. 23, 1995.  
Item No.: SEE BELOW  
Zoning Agenda:  
Gentlemen:  
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.  
B. The Fire Marshal's Office has no comments at this time IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 239, 239, 240, 241, 242 AND 243.  
RECEIVED  
JAN 25 1995  
ZADM  
REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F  
cc: File

